

LAG

In The United States Patent and Trademark Office

Appn. Number: 10/823,247  
Appn Filed: April 13-2004  
Applicant: Philippe Meert  
Title: Eyeglass cleaner

Examiner: David J. Walczak/3751

01/03/2008

**PETITION UNDER 37 CFR § 1.181 to withdraw the holding of abandonment.**  
**And request to withdraw the holding of abandonment.**

**Mail stop: Issue Fee,**  
Commissioner for patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the **Notice of Abandonment** Mailed to me on 12/20/2007, please find below: **My petition and request to withdraw the holding of abandonment on my application.**

Duplicates of the correspondence transmission and replies faxed and emailed by applicant are enclosed and explained below.

- I am the applicant in the above application and have transmitted my second reply to the notice of allowability by facsimile on November 08, 2007. This reply included the issue fee transmittal form and payment with the credit card payment form. Enclosed please find a duplicate of this reply.

- A first and earlier reply concerning and relating to the changes and additions to the application with specification, claims and corrected drawing was transmitted by Applicant electronically with email on August 31, 2007. Enclosed please find a duplicate of this reply and correspondence transmission. (*The section in the transmission relating to this reply is marked with an X.*) Prior to faxing the second reply consisting of the issue fee transmittal form and payment, applicant send his first reply (*See attached email communication marked with X*) inquiring if he had to implement the changes and additions to the application. The Examiner kindly replied, stating that applicant should reply by sending in the issue fee payment and form and that applicant did not further had to make and implement the changes and additions in the application since the Examiner already made the changes and additions to the application himself (*See attached email communication marked with a Z*). Applicant which is working Pro Se and for which this is his first patent application genuinely was in full belief to have taken all the necessary steps to fully and properly reply to the notice of allowability since prior to faxing the second reply consisting of the issue fee with transmittal form, applicant made his first reply

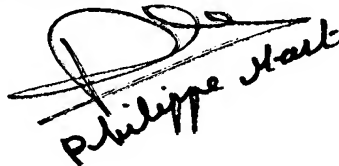
(See attached email communication marked with X) Inquiring if he had to implement the changes and additions to the application. Therefore applicant genuinely is in full belief that by faxing in the second reply with the issue fee transmittal form, payment and also the previous first reply relating to the changes/additions in the application he has sincerely, timely and fully to the most of his ability properly replied to the notice of allowability.  
(This is also a statement under 37 CFR 1.8(b)(3) which attests on a personal knowledge basis the previous timely transmission.)

- The **replacement sheet** with the corrected drawing is hereby also enclosed by Applicant.

Very respectfully,

----- Applicant Pro Se -----

Philippe Meert  
Aaigemdorp 84  
9420 Aaigem,  
Belgium  
Tel. +32 (0) 53624141  
Fax +32 (0) 53 789476  
email: [philippemeert@skynet.be](mailto:philippemeert@skynet.be)



Philippe Meert

I hereby certify that this correspondence is being sent on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Issue Fee**, commissioner for patents, P.O. Box 1450, Alexandria, VA 22313-1450.

January 03-2008



Philippe Meert

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 or **Fax** (571) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

48187 7590 08/24/2007

PHILIPPE MEERT  
 AAIEMDORP 84  
 AAIEM, OOST-VLAANDEREN, 9420  
 BELGIUM

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being airmail transmitted to the USPTO (571) 273-2885, on the date indicated below.

Philippe Meert (Depositor name)  
 Philippe Meert (Signature)  
 11/08/2007 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,247	04/13/2004	Philippe Meert	38996-1	4064

TITLE OF INVENTION: **EYEGLOSS CLEANER**

11/09/2007 HGBREH2 00000016 10823247

01 FC:2501

720.00 OP

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$720	\$0	\$720	11/26/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
WALCZAK, DAVID J	3751	401-100000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

3. ASSIGNOR NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.  
☒ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(a)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.  
 NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date 11/08/2007

Typed or printed name Philippe Meert

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



**Philippe Meert**

**From:** "Walczak, David" <David.Walczak@USPTO.GOV>  
**To:** "Philippe Meert" <philippemeert@skynet.be>  
**Sent:** Friday, August 31, 2007 6:50 PM  
**Subject:** RE: Patent appl 10/823,247 Meert Philippe

**Z**

You do not have to include the changes/additions when you pay the fee. I have made the changes/additions already.

-----Original Message-----

**From:** Philippe Meert [mailto:philippemeert@skynet.be]  
**Sent:** Friday, August 31, 2007 12:09 PM  
**To:** Walczak, David  
**Subject:** Fw: Patent appl 10/823,247 Meert Philippe

Sir,

I received the letter with notice of allowability for my patent appl no 10/823,247

**X**

One question I have is: the examiner's changes/or additions that are attached: do I need to implement them in the application ? or has this been amended and ready now ? Do I only need to pay the issue fee and send in the attached fee transmittal form ?

Thank you for your cooperative assistance throughout the whole process.

Friendly regards,  
 Philippe Meert  
 Pro Se

-----Original Message-----

**From:** Walczak, David  
**To:** Philippe Meert  
**Sent:** Wednesday, August 08, 2007 2:22 PM  
**Subject:** RE: Patent appl 10/823,247 Meert Philippe

I will make the amendments and allow the case.

As far as a refund goes, I do not believe that you are entitled to such a refund since the claim did have to be considered (i.e., it had to be determined that this claim was restrictable and included new matter). However, I do not handle the financials of these applications and you may contact the Finance Office to inquire about such a refund.

Office of Finance Fax No.: 571-273-6500

-----Original Message-----

**From:** Philippe Meert [mailto:philippemeert@skynet.be]  
**Sent:** Wednesday, August 08, 2007 7:06 AM  
**To:** Walczak, David  
**Subject:** Re: Patent appl 10/823,247 Meert Philippe

Sir,

First of all I would like to thank you very much for our great cooperation.

Yes please make the suggested amendments so the application can be allowed.

1/3/2008